

FARMINGTON CITY COUNCIL MEETING

June 4, 2019

WORK SESSION

Present: Councilmembers Brett Anderson, Doug Anderson, Alex Leeman, Cory Ritz, and Rebecca Wayment; City Manager Shane Pace, City Planner Meagan Booth, City Recorder Holly Gadd, and Recording Secretary Lara Johnson

Excused: Mayor Jim Talbot and Community Development Director David Petersen

Tour of the Business Park.

REGULAR SESSION

Present: Councilmembers Brett Anderson, Doug Anderson, Alex Leeman, Cory Ritz, and Rebecca Wayment; City Manager Shane Pace, City Planner Meagan Booth, City Recorder Holly Gadd, and Recording Secretary Lara Johnson

Excused: Mayor Jim Talbot and Community Development Director David Petersen

CALL TO ORDER:

Councilmember **Brett Anderson** called the meeting to order at 7:00 p.m.

Roll Call (Opening Comments/Invocation/Pledge of Allegiance)

The invocation was offered by **Cory Ritz** and the Pledge of Allegiance was led by **Doug Anderson**.

PUBLIC HEARINGS:

Rezone and Schematic Plan for Flatrock Ranch located at 600 N. 1525 W.

Meagan Booth said Hamlet Homes is seeking to rezone 32 acres of property from A (Agriculture) and AA (Agriculture Very Low Density) to AE (Agricultural Estates). She said in the early 1900s, and perhaps even before then, the City designated this property on the General Plan as DR – development restrictions, very low density, and/or agricultural open space. On May 15, 2018, the City Council approved an amendment to the designation on the General Plan from DR to Rural Residential Density (RRD). This was done, in part (among other things), due to the decision of UDOT to establish the alignment of the WDC in close proximity to the area.

Meagan Booth said when this schematic plan first came before the Planning Commission, the application proposed 64 lots. She said since that time, the density has been lowered to 49 lots, which would include 5 TDR (Transfer of Development Rights) lots. She said the summary of the Planning Commission meetings are in the staff report.

Meagan Booth said the Planning Commission had concerns about the proposed park on the schematic plan near the power lines, but that the motion for the plan and rezone still passed.

Michael Brodsky, 308 E. 4500 S., Salt Lake City, owner of Hamlet Homes, said the yield plan presented is for 44 lots. The original plan he proposed was for 64 lots, which would require seeking approval for 20 TDRs. With the yield plan of 44 lots, he is requesting 5 TDRs bringing the total to 49 proposed lots. He said the Planning Commission made a recommendation to rezone the property as requested, but tabled it to allow for further discussion on the concept plan. He said he listened to the Planning Commission's comments, and amended the plan to address all questions raised. He said they lowered the density, added the park, included an HOA to maintain the open space and the park. He feels what is being presented is a very improved plan.

Shane Pace said he met with the developer regarding the 5 TDRs and agreed upon a price of \$9,500 for each TDR. He said that agreement will be brought before the Council at the next meeting.

Brett Anderson opened the public hearing at 7:10 p.m.;

Bill Kimball, 1980 W Buffalo Cir., said he came tonight to see what was happening on this property. He asked if the lots would be ¼ acre and if the lots would provide a transition from the 1-acre lots in his adjacent neighborhood. The councilmembers let him know the lots bordering his neighborhood would be closer to ½ acre lots, and that what is being proposed does include some lots just over 1/3 acre lots. **Bill Kimball** was pleased to hear the lot size that is being proposed, and said he is not opposed to this development.

Brett Anderson closed the public hearing at 7:13 p.m.

Alex Leeman said he is disappointed with what is being proposed. He said when he sat on the Planning Commission, there were two occasions that developers proposed development on this land for 2/3 of the density than what is now being proposed. He said at the time, the City was waiting for the WDC to finalize so the City could know the new location for the DR line. **Alex Leeman** said he is sad that the City missed the opportunity for a lower density development.

Doug Anderson said that he feels 49 is better than the originally proposed 64 lots; however, he said he still has concerns regarding the park. He said he is not comfortable with the park being under the power lines and being so close to 1525 W. He said he feels the park would be a great addition, but asked if it could be located somewhere else within the development. **Meagan Booth** pointed out that a trail connection will also be included, and having that connection closer to the street is better.

Brett Anderson asked if there are any concerns having power lines over a park. **Meagan Booth** said a park is ok to be located under powerlines, but homes are not. She also said that the playground itself would be located outside of the power lines' easement. **Michael Brodsky** also added that park would not be located directly under the power lines, but on the edge of it. He said he is proposing a fully improved ½ acre park, along with a trail connection. He felt it would be a good idea to have eyes on the park from the street in order to keep the park safer.

Rebecca Wayment said she has a couple of concerns with what is being proposed. The first concern is that there is only a finite number of TDRs within the City, and this applicant is requesting 5. She also asked for clarification on the open space requirement for the applicant. Based on the staff report, the applicant is required to have 30% open space as part of the conservation subdivision, in addition to 5 TDRs he is requesting. She expressed concern that the applicant will still fall short of the 30% open space requirement. She also expressed concern that the location of the park is troublesome as

she is not comfortable with it located by such a busy road and near the power lines. She does not like the idea that the park will be designated as open space just because the property would not be otherwise buildable. **Doug Anderson** agreed that he does not like the location of the park and feels it should not be included as open space since there are many concerns with it.

Alex Leeman said normally the City is happy with this kind of density; however, the City has tried to plan less dense subdivisions west of Station Park. He does not think this density is the right move for this area, especially because there is nothing close to .3 acres in the area. He said that he has seen other proposals with lower density than what is being proposed in the past, so he feels a developer could make a lower density development economically valuable. **Meagan Booth** pointed out that across the street is Chestnut Farms Phase IV, which mimics the density of what the developer is proposing.

Cory Ritz said that he is not as concerned over the density of the proposed development since the WDC will be coming through the area; however, he is concerned over the request for 5 TDRs to increase density. He said he also does not like the park under the power lines. He said he and the Mayor have discussed constrained land multiple times. **Cory Ritz** said he feels if the land cannot be developed then it should not be included into the open space calculations. **Shane Pace** said constrained land is allowed as part of the open space calculations because the Ordinance allows it.

Brett Anderson said he also has concerns about the number of lots that is being proposed. He said there was a big discussion over the recent Jerry Preston development, and his request for a TDR. He also said the compensation for that TDR seemed a lot more than what was agreed upon for these lots. **Shane Pace** said the cost for a TDR is lower right now. **Brett Anderson** said that if the City is not getting what is wanted, then he feels the City may not know if it wants the TDRs. He feels the City should get a sufficient return for the requested TDRs, if approved.

The councilmembers further discussed their options. Without the 5 TDRs, the applicant would be entitled to 44 lots based on the yield plan for a conservation subdivision, but that a 30% open space requirement would still need to be met for additional density bonuses. **Alex Leeman** said he is comfortable with the density of the AE zone, but is not sure about the open space bonus because he feels the City is not getting what it wants. **Rebecca Wayment** said she is not comfortable rezoning the property to AE without the schematic plan. **Brett Anderson** expressed concern that each zone has exceptions, and he feels the rules of each zone should just be followed. **Alex Leeman** pointed out that the exceptions serve a purpose, but feels the exceptions may not be serving that purpose right now. **Cory Ritz** feels the currently proposed park would not be serving a purpose because no one would want to play on it under the power lines and next to a busy road. **Shane Pace** pointed out that with a conservation subdivision, the yield plan allows for 44 lots and 30% open space. The applicant is not required to develop a park. He said it's important to consider this, as a developed park could be lost without the approval of the TDRs. He also said, based on the Ordinance, the property under the power lines could be considered toward the 30% open space requirement.

Michael Brodsky said he recognizes the Council is fairly contentious about the location of the park; he assured the Council that he could figure out a way to move the location of the park. He thought having the trail connection was important, but that the park can be moved. He made a commitment to redesign the layout of the park to be outside of the power lines and away from 1525 W.

Brett Anderson expressed concern that if the applicant makes too significant of changes to the layout of the project, the project would need to go back to the Planning Commission instead of stay with the City Council for approval. **Shane Pace** said it's a difficult thing to answer at this point because it will depend on where the park is placed and other changes made in order to accommodate. **Meagan Booth** suggested that the item could be tabled knowing that the Planning Commission discussed concerns with the location of the park, as found in the minutes from their meeting.

Doug Anderson asked about the location of the trail coming off of the WDC. **Shane Pace** said they do not have final plans for the West Davis Highway yet, so they are not yet sure the exact location of the trail.

Rebecca Wayment said her opinion comes down to the location of the park and how that benefits the community, and if the Council wants to use the TDRs for that park. **Alex Leeman** agreed that he is not comfortable approving this item as it stands. The other councilmembers agreed.

Motion:

Cory Ritz moved that the City Council table this item to allow the developer the opportunity to address some of the concerns expressed by the councilmembers on a revised schematic plan; and that if he chooses to do so, that the developer also submits another schematic plan option for consideration without the 5 TDRs. **Doug Anderson** seconded the motion, which was unanimously approved.

NEW BUSINESS:

Cottle TDR and Trail Easement located at 1034 W. 500 S.

Shane Pace said this lot was originally a one-acre lot that Alan Cottle anticipated building his own home on. Mr. Cottle has since decided not to do that, so he would like to subdivide the lot. The applicant is requesting a TDR, and the City would like a trail easement in return. He said the applicant did an analysis of the cost and profit for both options. Based on that analysis, the applicant makes less profit selling two lots than he would one lot. **Shane Pace** said the City has reviewed the analysis and feels the applicant is being accurate in it. He also said the applicant could sell the two lots immediately, but that the one-acre lot could take 3-6 months to sell.

Shane Pace said the benefit of this TDR is that the City could purchase a trail easement from him. He said this is not a TDR he would recommend, except that the City would get a trail easement through it, which would give the City trails for approximately 2/3 of Farmington Creek. He added that he would like to revisit TDRs and the value of them within the community, as well as a few ideas he has on reconsidering them in this market.

The applicant was not present at this meeting.

Cory Ritz said that the applicant purchased 3 developable parcels, and immediately started marketing for 4 building lots without going through the City's subdivision process. He said he passes by this property multiple times a day as he lives on this street. He said the parcel the applicant would like to subdivide is triangular; he is not sure how two homes could fit on each of those lots if this parcel was subdivided. He also said the applicant is marketing "unrestricted stream use" as part of the value proposition. He is unclear as to what the applicant means by this. **Cory Ritz** feels the City does not

“owe” the applicant 3 lots, and that he is ok using the D&RG trail and sidewalks on 500 S. in lieu of a trail easement on Mr. Cottle’s property. **Shane Pace** said yes, the applicant did market 4 parcels without going through the subdivision process. He also pointed out that if the sidewalk is used as the trail easement, there would be costs to purchase frontage to increase the sidewalk width from 4’ to 8’.

The councilmembers asked about the lot size if subdivided. **Shane Pace** said the parcel is 1.1 acres, so one lot would be approximately .59 acres and the other .51. He said one lot would be more triangular, but that there is still enough building envelope for a home. He said the lot would not accommodate all types of houses, but that would be for the future property owner to figure out.

Doug Anderson said that he respect’s Cory’s thoughts, but he does not have the same concerns about subdividing the property.

Cory Ritz asked how the City might still obtain the trail easement if this motion is not approved. **Shane Pace** said that the City would have to try and purchase the trail easement from the property owner that buys the 1-acre lot from Mr. Cottle. He said there is never a guarantee that a future property owner would be cooperative, or that Mr. Cottle would be cooperative prior to him selling his property if the subdivision is not granted. **Brett Anderson** said that he feels like the City should move forward in obtaining the trail easement if there is a willing participant.

Motion:

Doug Anderson moved that the City Council approve the enclose TDR and Trail Easement agreement with the Cottle Capital Group, LLC. **Alex Leeman** seconded the motion. Councilmembers **Doug Anderson, Alex Leeman** and **Rebeca Wayment** voted in favor of the motion. Councilmember **Cory Ritz** voted against it. The motion passed on a 3-1 vote.

SUMMARY ACTION:

1. Approval of Minutes from May 21, 2019
2. Professional Services Agreement with Shums Coda Associates
3. Voters Centers for Upcoming Elections

Rebecca Wayment moved, with a second from **Alex Leeman**, to approve summary action item 1 through 3 as contained in the staff report. The motion was approved unanimously.

GOVERNING BODY REPORTS:

City Manager Report

1. He welcomed Bob Anderson from the Farmington American Legion Post. **Shane Pace** said that after discussions with Mr. Anderson, it was decided to focus efforts on Veterans Day within the City, in lieu of both Veterans and Memorial Day. Mr. Anderson said he feels this will allow the City better opportunity to support the community. He also added appreciation for the support the City has provided in the past, especially the Parks and Rec department. He said the Farmington Post supports 4 cities, but that are happiest serving in the Farmington community.

2. He said tomorrow there is a conference call with Earth Economics regarding an ecosystem valuation on conservation easements in west Farmington. He said this valuation will cost a good amount of money, but that the value of the valuation will be tremendous.
3. He said there is an upcoming Flag Day activity.
4. He said they have narrowed the Finance Director Position down to two; he is checking references on both candidates.
5. He said there is a joint study between the Cities and the County regarding paramedic transfer, and what is the best approach for the Cities. He said the sheriff and four city managers are working together. He said the sheriff and his staff believe the current paramedic services may not be the most effective and efficient way to keep providing services to the County.
6. He said the City Attorney, Todd Godfrey drafted an amendment regarding the jail expansion. He said it will be discussed at a later time, but that he wanted to get it to the councilmembers right now to provide adequate time to review it prior to future discussions.

City Council Reports

Councilmember Rebecca Wayment

She said **Shane Pace** mentioned that he would like to have a discussion about TDRs; she said she would like to have that discussion sooner rather than later so there is a game plan in place moving forward.

She said it was also brought up that unusable space can be used toward open space requirements to qualify for density bonuses. She said she does not want to impede on individual property rights, but also would like to best utilize the property. This is something she would like to revisit within the Ordinance.

Shane Pace agreed; he said he believes there may be a lot of open space within the City that never could have been developed in the first place. He said there is a lot of wetlands that developers have been given credit for as open space; he feels that could be changed. **Alex Leeman** also pointed out that property owners most likely received compensation for power line easements, and then to have the property count as open space for higher density would be like “double dipping.” He agreed that he too would like to discuss this.

Councilmember Brett Anderson

He gave a report from the Taxing Entity Committee meeting. He said there was a discussion about all the reasons why a decision could not be delayed. He said the State cut off for all determinations to be made by taxing authorities is June 8th. If a decision is not made by June 8th, this proposed project would not be included into the RDA. He said as of right now, all assets in the RDA are bringing revenue to the City, but that it would be a moot point if a new RDA would have to be done. He said this decision is a big deal. He said the School Board came with the position that they were going to abstain from voting, but at one point left to have a private conversation to consult with others about how to vote. **Brett Anderson** said he felt Curtis Koch and Heidi did an excellent job in explaining why a decision needed to be made on this right now because if it is delayed, a whole new RDA would have to be done, and it would not have the

same pay back scale. He felt the discussion helped the School Board understand the decision better.

Brett Anderson said the School Board's vote is still in question, and that they are holding their own meeting on June 9th at the very last possible time. He said there have been conversations from other cities showing interest in this project coming to their city, but those cities may not be able to come up with a solution fast enough to allow for the construction of this project in a timely fashion.

Brett Anderson said the County already followed through on their budget resolutions by transferring money from the tourism fund to help cover costs. He said he feels this move shows the support from the County. He feels it is a good proposal before the City, which is why he was frustrated that there is the potential to jeopardize this opportunity with delays.

CLOSE OF THE CITY COUNCIL MEETING/

CONVENE FARMINGTON RDA MEETING:

Motion:

At 8:18 p.m, **Alex Leeman** made a motion to close the City Council meeting and convene the Farmington RDA meeting. **Rebecca Wayment** seconded the motion, which was unanimously approved.

Brigham Mellor said during the last RDA meeting, a public hearing was held, but a vote was not taken. He said the City Council now has the opportunity to vote on the budget. He said the amendment will include \$4 million of additional tax increment. He said the City should be able to pay back most of the \$4 million this year, with approximately 10% left over to pay next year.

Motion:

At 8:24 p.m, **Alex Leeman** made a motion to approve the amended RDA budget. **Doug Anderson** seconded the motion.

A roll call vote was taken with councilmembers Alex Leeman, Cory Ritz, Doug Anderson, Rebecca Wayment, and Brett Anderson voting in favor. The motion passed.

Mayor Jim Talbot was excused.

CLOSE OF THE FARMINGTON RDA MEETING/

RECONVENE THE CITY COUNCIL MEETING:

Motion:

At 8:24 p.m, **Alex Leeman** made a motion to close the Farmington RDA meeting and reconvene the City Council meeting. **Rebecca Wayment** seconded the motion, which was unanimously approved.

ADJOURNMENT

Motion:

At 8:25 p.m., **Doug Anderson** moved to adjourn the meeting.

Holly Gadd, Recorder